

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT MCGEE,

Plaintiff,

v.

THE PROCTOR & GAMBLE  
DISTRIBUTING CO., and

THE PROCTOR & GAMBLE CO.,

Defendants.

CIVIL ACTION

No. 02-1121

**MEMORANDUM/ORDER**

At the pretrial conference held on October 24, 2007, I considered defendant's "Motion to Strike Claims for Compensatory and Punitive Damages and Motion to Strike Demand for Jury Trial," and stated reasons why I am inclined to deny the motion. I recognize, however, that the defendant's motion implicates contested questions of law that have not yet been addressed by the Third Circuit. Therefore, I will deny defendant's motion without prejudice to resubmission prior to the start of trial should defendant identify any strongly pertinent case authority — most especially authority post-dating October 24, 2007.

ACCORDINGLY, this 15th day of November, for reasons stated from the bench, defendant's "Motion to Strike Claims for Compensatory and Punitive Damages and Motion to Strike Demand for Jury Trial," Docket # 81, is hereby DENIED without prejudice to resubmission, should defendants identify any strongly pertinent case authority prior to the start of trial.

BY THE COURT:

/s/ Louis H. Pollak  
Pollak, J.